

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JASMINE A. EASLEY,

Plaintiff

v.

AMERIPRISE FINANCIAL SERVICES,
INC.,

Defendant

Case No.: 2:19-cv-02214-APG-BNW

**Order Accepting Report and
Recommendation and Denying in Part
Motion to Amend**

[ECF Nos. 23, 30]

Plaintiff Jasmine Easley moves to amend her complaint to add a claim for intentional interference with prospective economic advantage. She also seeks to reformat her complaint to break out her claims under the Americans with Disabilities Act (ADA) separately instead of combining them into one cause of action. Defendant Ameriprise Financial Services, Inc. does not oppose amendment to break out the individual claims. However, it opposes the request to add a new claim because it contends amendment would be futile. Ameriprise argues Easley has not alleged sufficient facts that it knew of any prospective economic relationships, that Easley has not plausibly alleged an intent to harm, and that it was required to report to the Financial Industry Regulatory Authority (FINRA) that it terminated Easley's employment, so its communication was privileged.

Magistrate Judge Weksler granted the motion to amend as to the ADA claims. But she recommends I deny the motion to add the intentional interference claim because it would be futile, as Ameriprise's communication to FINRA was absolutely privileged. ECF No. 30 at 6-7. Easley did not object to Judge Weksler's recommendation. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district

1 courts to “make a de novo determination of those portions of the report or specified proposed
2 findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
3 Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and
4 recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)).

5 I THEREFORE ORDER that Magistrate Judge Weksler’s report and recommendation
6 **(ECF No. 30) is accepted** and plaintiff Jasmine Easley’s motion to amend **(ECF No. 23) is**
7 **DENIED** to the extent it seeks to add a claim for intentional interference with prospective
8 economic advantage. Ms. Easley shall file an amended complaint by October 23, 2020, or
9 proceed on her current complaint.

10 DATED this 2nd day of October, 2020.

11 

12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23